Application No.: 09/051,547 MDA-2570US
Amendment dated: August 17, 2004 (formerly MTS-2570US)
Reply to Final Office Action of: May 19, 2004

Remarks/Arguments:

Claims 1, 3-15, 20, 21 and 24-31 are pending. These claims stand rejected.

Section 103 Rejections

All pending claims stand rejected as being obvious in view of a combination of four references, namely Lane, Clapp, Caldara and Hernandez-Valencia. Applicants respectfully submit that these rejections are overcome for the reasons set forth below.

As amended in the previous Response to the Office Action filed on February 24, 2004, claim 1 recites the following feature:

> discarding a picture includes discarding an end-of-frame.

As discussed in the previous Response to the Office Action, the invention, as recited in claim 1, provides a priority identifier with each picture. Determination is made by the picture decoding apparatus whether a picture is to be processed or not be processed, according to the load or the processing capacity of the picture decoding apparatus and according to the level of importance assigned to the picture in the priority identifier. Claim 1 further recites both a priority identifier and a picture identifier. The priority identifier is used independently of the picture identifier, and independently of whether the picture is an I, P or B picture.

Claim 1 also includes a decision to discard or not discard a picture is based on the priority identifier, and discarding a picture includes discarding an end-of-frame.

The Office Action admits that Lane does not disclose the limitation of "determining whether each picture should be processed or not processed according to a processing load or a processing capacity of the picture decoding apparatus, and each priority

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identifier is used independently of the picture identifiers and independently of whether the picture is an I, P, or B picture".

The Office Action states, however, that Clapp discloses the concept of discarding frames to maintain sync. Clapp discloses making a decision to discard or not discard a frame based on a time denoted as delta T. Clapp does not disclose or suggest making a decision to discard or not discard a frame based on a priority identifier.

The Office Action states, however, that Caldara discloses that in the presence of high congestion of data, the system permits any subsequent frame or frames to be discarded.

As discussed in the previous Office Action Response, Caldara discloses that the end-of-frame cell should not be discarded. At column 3, lines 60-66, Caldara teaches that only user data cells, which are not end-of-frame cells, may be discarded. At column 4, lines 7-10, Caldara again teaches that all of the cells in a subsequent frame are discarded, with the exception of the end-of-frame cell.

The Office Action at page 5 states that although Lane, Clapp and Caldara do not disclose discarding a picture including discarding its end-of-frame, Hernandez-Valencia (newly found reference) teaches discarding a picture includes discarding an end-of-frame. Therefore, the Office Action asserts that it would be obvious to combine the four teachings of Lane, Clapp, Caldara and Hernandez-Valencia in order to have a system that may discard a picture including its end-of-frame.

Applicants respectfully submit that these four references cannot be combined to achieve Applicants' invention, as recited in claim 1. Caldara specifically discloses that the end-of-frame cannot be discarded, and Hernandez-Valencia discloses that the end-of-frame could be discarded. Hernandez-Valencia's teachings, therefore, directly contradicts Caldara's teachings. Consequently, Caldara and Hernandez-Valencia

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cannot be combined and, if combined, will produce a system that does not operate properly.

Furthermore, Clapp teaches the concept of discarding or not discarding frames, in order to maintain sync between a transmitter and a receiver. As understood by Applicants, Clapp may also not be capable of discarding an end-of-frame, because his system may lose synchronization without the end-of-frame.

Moreover, Hernandez-Valencia discloses a requirement for adding two fields in the header of a data stream, as shown in Figure 9. The first field is known as the payload type indicator (PTI) and the second field is known as the UUI bit. The PTI field indicates whether cells belong to a conforming frame or a non-conforming frame. The UUI bit marks the frame boundary and identifies if a cell packet is the last packet of a frame (see Abstract). The presently claimed invention, however, does not require an identifier such as the UUI bit. More specifically, in a situation where the cell packet of the last frame is lost, even if the UUI bit indicated that the cell packet is the last frame, the system of Hernandez-Valencia cannot determine if the given cell packet is, indeed, the last frame. In such a situation, the cell packet of the last frame will not be discarded. The present invention, however, does not have such disadvantage. The present invention, even if frames are lost or the order of transfer of the frames is changed, a frame may be treated as the last frame and processed accordingly. Such processing is accomplished by the invention, regardless of the presence of the UUI bit. As a result, the present invention, as recited in claim 1, has an advantage over Hernandez-Valencia.

Furthermore, Hernandez-Valencia requires both the PTI field and the UUI bit to discard a frame including the end-of-frame. The invention, however, advantageously does not require both the PTI field and the UUI bit to discard a frame. The invention is,

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therefore, much simpler than the combination of the four references (assuming, arguendo, that these four references may be combined).
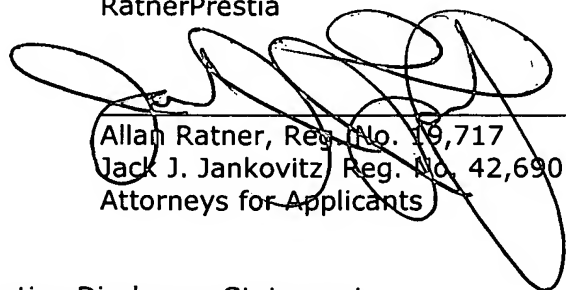
Because (1) these four references cannot be combined to achieve the invention of claim 1 and (2) even when combined (if possible), the invention of claim 1 has an advantage over the teachings of Hernandez-Valencia, claim 1 cannot be obvious in view of these references. Favorable reconsideration is respectfully requested.

Although not the same, claims 20, 21, 24, 25, and 27-29 have also been amended in the previous Office Action Response to recite features similar to claim 1. Reconsideration of these claims, as well as their dependent claims, is respectfully requested.

Conclusion

Claims 1, 3-15, 20, 21 and 24-31 are in condition for allowance.

Respectfully submitted,
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Enclosure: Supplemental Information Disclosure Statement

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